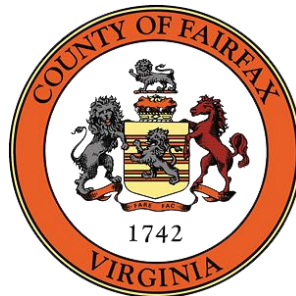


**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of Service Rules for the	)	WT Docket No. 06-150
698-746, 747-762 and 777-792 MHz Bands;	)	
	)	
Implementing a Nationwide, Broadband,	)	PS Docket No. 06-229
Interoperable Public Safety Network in	)	
the 700 MHz; and	)	
	)	
Implementing Public Safety Broadband Provisions	)	
of the Middle Class Tax Relief and Job Creation Act	)	
of 2012.	)	PS Docket No. 12-94

**COMMENTS**



## County of Fairfax, Virginia

**May, 2013**

The County of Fairfax, Virginia (“Fairfax”) welcomes this opportunity to respond to the Federal Communications Commission (“FCC/Commission”) Notice of Proposed Rulemaking (“NPRM”) seeking comment on additional requirements to further promote and enable nationwide interoperability among public safety broadband networks (“PSBN”) operating in the 700 MHz band.<sup>1</sup>

We are committed to the public safety community in Fairfax to have dependable, reliable, and effective communications that is critical to our first responders. The distinct need for a private broadband wireless network for Fairfax, our tri-state area, as well as the entire nation is both essential and fundamental. The three fundamental drivers that justify the PSBN are: to improve data throughput, to provide network availability, and to improve network reliability. Underlying these drivers for a broadband network is that the network must be cost effective, so that it can be shared by first responders, public services, transportation, infrastructure providers and other critical agencies.

The transition to a public safety grade long term evolution (“LTE”) network is both timely and necessary. The primary goal for Fairfax and the Commonwealth of Virginia, as well as the entire nation, is a network that will enable broadband communications services to over 99 percent of the United States population, to all critical infrastructure facilities and to all roads that extend into the remote areas of our country.

Thus, Fairfax appreciates the dedication and diligence that the FirstNet Board, the FCC, National Telecommunications and Information Agency (“NTIA”) and partner organizations have taken in their approach to the development of the nationwide PSBN. Fairfax strives to continue to work with the Commonwealth of Virginia and our partner jurisdictions, to achieve the goal of a fully interoperable 700 MHz nationwide PSBN.

## **I. Background**

Fairfax County is the largest jurisdiction by population in the Commonwealth of Virginia, with 1,037,605 citizens living within its 407 square miles. Public safety services are provided by seven local law enforcement agencies, the Fairfax County Fire Department and numerous State and Federal agencies. Interoperable communications in the region are both challenging and critical, but with the creation of the National Capital Region (“NCR”), with 18 local jurisdictions,<sup>2</sup> interoperability has become reality.

---

<sup>1</sup> *Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012*, PS Docket No. 12-94; *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700MHz Band*, PS Docket No. 06-229; *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, WT Docket No. 06-150; Notice of Proposed Rulemaking (Rel. March 8, 2013)(“NPRM”).

<sup>2</sup> The NCR network consisted of eighteen jurisdictions: The District of Columbia, Montgomery and Prince Georges Counties of Maryland, and the cities of Gaithersburg, Rockville, Takoma Park, Bowie, College Park, and Greenbelt; Arlington, Fairfax, Loudoun and Prince William Counties of Virginia, and the cities of Alexandria, Falls Church, Town of Leesburg, Manassas, and Manassas Park.

With the allocation of the D-Block frequencies to Public Safety, and the creation of the FirstNet Board, both mandated by the Middle Class Tax Relief Act and Job Creation Act of 2012 (“Act”),<sup>3</sup> there is now the opportunity to provide first responders with a secure, reliable, and nationwide interoperable PSBN.

The County has identified public safety interoperable broadband services as a priority and on June 28, 2010 filed a waiver at the Commission to deploy a network as quickly as possible in the 700 MHz public safety broadband spectrum. In March 2012, the County also applied for a Special Temporary Authority (“STA”) to deploy a pilot 700 MHz PSBN. In September 2012, Fairfax County initiated, and has been in continued collaboration with the Commonwealth of Virginia to develop a State coordinated local-build approach. We intend to again submit an STA for deployment of a network that will include network design, governance agreements, and investment criteria. Hence, the network will conform to all requirements established by FirstNet and the FCC, and will be integrated into the nationwide PSBN.

We are committed to the belief that a PSBN is a necessity. State and local jurisdictions have invested significant resources, formed crucial alliances and partnerships, and invested in infrastructure and equipment, all of which should be leveraged in standing up the nationwide PSBN. Leveraging all partnerships, infrastructure, and resources of the State and local jurisdictions will provide for the greatest possibility for success of achieving reliable, redundant and ubiquitous coverage with commercial partnerships, while maintaining complete interoperability and cost efficiencies.

We believe it to be critical that public safety have a leading voice in the development of FirstNet and the PSBN. We are, however, concerned that the FirstNet “plan is so far along in its development that it is not apparent that the right of states to build their own radio access networks (“RANs”) within their borders instead of having FirstNet build those RANs is not compromised or improperly constrained.”<sup>4</sup> Thus, we support Sheriff Fitzgerald’s Motion at the April 23, 2013 FirstNet board meeting, as he works to ensure that “FirstNet keeps this program on the proper course,”<sup>5</sup> allowing for early builds.

## **II. Termination of the Waivers and Creating an STA Process for Early Deployments are not in the public interest.**

We believe that the Commission’s rules should not only enable the early deployment of public safety broadband technologies by State and Local jurisdictions, they should encourage it. In a July 2012 *Order*, the Commission terminated the previously granted public safety early deployment Waivers and instituted an STA process in conjunction with the transition of the public safety designated spectrum to FirstNet. Fairfax, however, disagrees with Commission’s new public safety STA requirements, as they are inefficient and untimely.

---

<sup>3</sup> Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, 126 Stat. 156 (2012)(Act).

<sup>4</sup> Comments of Sheriff Paul Fitzgerald, Sheriff Story County Iowa and FirstNet Board member, at the FirstNet board meeting on April 23, 2013.

<sup>5</sup> NATIONAL SHERIFFS’ ASSOCIATION SUPPORTS SHERIFF PAUL FITZGERALD’S COMMENTS ON FIRSTNET, statement of Sheriff (ret.) Aaron D. Kennard, Executive Director of the National Sheriffs Association via Press Release.

In the Commission's *Second Report and Order*, it established a 700 MHz Public/Private Partnership between the commercial D Block licensee and the Public Safety Broadband Licensee in the Upper 700MHz Band to enable the construction of a nationwide, interoperable broadband public safety network under the Commission's rules and spectrum auction. In addition, the FCC created a "means for public safety entities to (1) obtain an earlier build-out of broadband networks than provided for in the network sharing agreement ("NSA"), (2) build their own broadband networks in areas not included in the NSA, and (3) conduct wideband operations via a limited and conditioned waiver process."<sup>6</sup> Thus, the NCR commenced construction and operation of a broadband network in the 700 MHz Band using an experimental license and was granted a waiver in anticipation of its application for a license to operate such system.<sup>7</sup> Finally, the NCR's license was held by the Public Safety Broadband Licensee and was to be integrated into the nationwide interoperable PSBN pursuant to the NSA build-out plan.<sup>8</sup>

Fairfax believes that the Commission severely impacted the ability of the NCR, including Fairfax County, to move forward with their PSBN. The Commission's previous efforts to deploy a single national PSBN via commercial/federal public-private partnership failed and that since 2006 there has been only one launch of a PSBN. The Commission's subsequent rules enabled the early deployment of public safety broadband technologies by State and local jurisdictions, but they should have further encouraged it. The regulatory process should become more efficient and timely, unlike today's STA process. The entire process has been wrought with delays, with some Waiver applications taking up to three years for the Commission to deny, all while highly threatened portions of our nation are still unable to take advantage of the most advanced technologies for their first responders.

We believe that the resulting strategy/nationwide build-out plan and accompanying rules should have further enabled early build out of the PSBN by State and local jurisdictions in a uniform/interoperable way providing for a foundational baseline for the FirstNet PSBN. Loosening of the Commission's onerous STA requirements and encouraging State and local jurisdictions to build using a process longer than a renewable six month STA should be encouraged, since the potential seven billion dollars allocated to build the PSBN is not enough. Thus, State and Local deployments will enhance the FirstNet PSBN and bring additional funding to build-out the network.

### **III. Conclusion**

Fairfax is pleased to provide its comments to the Commission's NPRM. We appreciate the opportunity to work in strong partnership with the FirstNet Board, FCC, NTIA, along with our State and NCR partners to implement the best possible network for our nation's first

---

<sup>6</sup> *Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012*, PS Docket No. 12-94; *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700MHz Band*, PS Docket No. 06-229; WT Docket No. 06-150, *Second Report and Order*, 22 FCC Rcd 15289 ¶¶13, 476, & 477.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

responders that would include the ability of certain States and jurisdictions to early deploy PSBNs.